

It is respectfully submitted that Deswal, is not an appropriate reference against the present application under the provisions of 35 USC§102(b).

Deswal was accepted for publication in April 1999. The present application claims the benefit of U.S. Provisional Application No. 60/240,935 which was converted from U.S. Application Serial No. 09/501,862 filed February 10, 2000. Applicants submit herewith a corrected and updated data sheet setting forth all priority data.

Accordingly, the Deswal invention, if any, was not described in a printed publication in the United States more than one year prior to the date of the present application.

Withdrawal of this rejection is therefore respectfully requested.

At pages 3 and 4 of the Office Action, claims 1-5, 7-11 and 13-16 were rejected under 35 USC§103(a) as obvious over Deswal in view of the Ferrari, (1999) article. The Examiner acknowledged that Deswal does not teach a method of inhibiting reperfusion injury in a mammal in need of treatment with a TNF antagonist. The Examiner attempted to supply this deficiency by combining Deswal with Ferrari. The Examiner took the position that Ferrari teaches that there is increasing evidence that cytokines play an important role in cardiovascular disease. Therefore, in the Examiner's opinion, it would have been obvious to one skilled in the art to treat mammals in need of treatment for an ischemic event, myocardial infarction or reperfusion injury with a TNF antagonist.

Initially, it is submitted that neither Deswal nor Ferrari are proper references against the present application under 35 USC§102(b). As noted above, present application claims the benefit of Provisional Application No. 60/240,935 which was converted from U.S. Application Serial No. 09/501,862 filed February 10, 2000. Ferrari, like Deswal, was published in 1999, less than one year prior to the effective filing date of the present application. Accordingly, withdrawal of the rejection on this basis is requested.

It is further respectfully submitted that the present invention is not obvious in view of the combination of Deswal and Ferrari.

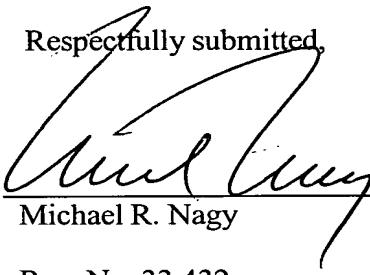
In Ferrari, which is a review compiling the results of seventy six articles, it is stated that the hypothesis that TNF may be involved in the progression of CHF may be of clinical relevance as anti-TNF strategies are considered for therapeutic strategies. As such, Ferrari merely sets forth a hypothesis implicating the role of TNF in CHF. Likewise, Deswal merely reports the administration of Etanercept to a strict population of class III heart failure patients. Deswal was reporting on the treatment of patients in the final stages of a chronic disease state (i.e., CHF).

Therefore, neither reference whether considered alone or in combination with each other teaches the administration of a TNF-antagonist following an ischemic event as presently claimed.

Accordingly, it is respectfully submitted that claims 1-5, 7-11 and 13-16 are not obvious over Deswal in light of Ferrari. Reconsideration and withdrawal of the rejections are respectfully requested.

The Examiner is invited to contact the undersigned with any questions at the telephone number set forth below.

Respectfully submitted,



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